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Situation of human rights in the Islamic Republic of Iran

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Maurice Copithorne, Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran in accordance with a decision taken by the Economic and Social Council at its substantive session of 2001.

* A/56/150.
** In accordance with General Assembly resolution 55/222, part III, para. 10, this report is being submitted on 10 August 2001 so as to include as much updated information as possible.

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Report of the Special Representative of the Commission on Human Rights on the situation of human rights in the Islamic Republic of Iran

Summary

There is a strong and growing demand for reform from the Iranian people. The progress to date has been made despite the continuing efforts of some elites to frustrate that demand.

The sweeping suppression of the mainly reformist press over the past 15 months has had a serious negative impact on the promotion of human rights in the Islamic Republic of Iran.

The status of women, particularly their legal status, remains highly discriminatory. Modest efforts to improve it have been mostly rejected by unelected, conservative political elites. Patriarchal attitudes are very much in evidence in the form of domestic violence and the limited prospects for women to enter the labour force.

There are early signs of important change within the legal system, but there is a long way to go. So far, there appears to be no let-up in the abuse of persons in pretrial detention. Many of the punishments in use are gross violations of international human rights standards, including in particular, the use of stoning and decapitation.

Iranian society has had little experience with civil discourse leading to peaceful change. The treatment of activists and dissidents, particularly by the security forces and the judiciary, displays a fearful intolerance of alternative views. The treatment of such persons, some of whom participated in the struggle against the Shah, is little short of vicious.

There is a stalemate between the elected and unelected branches of government over important policy and legislative decisions concerning reform. The Iranian people are paying dearly for it.

Religious and ethnic minorities continue to face official and societal discrimination and in some cases, persecution. They are becoming more outspoken in their demands, particularly concerning economic and cultural rights.

Iran is facing a major economic crisis. Inflation, unemployment and poverty are among the causes of the deteriorating social condition of most Iranians. The human rights cost of the crisis is very high. A comprehensive economic and social development strategy needs to be among the Government's top priorities.

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I. Introduction

1. The period under review in this report — that is, the first six months of 2001 — was again a tumultuous one in the Islamic Republic of Iran. In general, the voices calling for reform grew stronger, notwithstanding the suppression of much of the reformist press. The President in large part remained true to his vision of an "Islamic Republic", but he faced formidable opposition to the realization of the road map that he had set out for the country. In the run-up to his re-election in June, there were many voices, particularly younger ones, expressing open frustration at the slow pace of reform.

2. The argument is often heard that allowance has to be made for a society like Iran's, in that it has known only despotism over its long history. However dedicated it may be to the modern concepts of the rule of law, democracy and human rights, such a society has to travel a difficult road on which there will be many obstacles to overcome. The reinventing of society, when it has been successful, has usually been a long and painful process.

3. In this context, the Special Representative is often told that the Islamic Republic of Iran should be judged more on the overall trend of its development than on the obstacles it is facing. The Special Representative understands and sympathizes with this perspective. However, one cannot simply close the door for a few decades before evaluating a country's progress towards its declared goals. Iran is fully engaged with the international community in many respects. It is a party to most of the core human rights instruments, including certain instruments of the International Labour Organization (ILO), each of which involves a reporting and examination process. The world is at the Islamic Republic of Iran's doorstep, and the interaction with the international community can only increase. In the Special Representative's view, it is simply no longer possible to deflect the world's gaze away from a Government's treatment of its own citizens.

4. The Special Representative has no doubt that the majority of Iranians, in all walks of life, believe that at the beginning of the twenty-first century, they deserve better and more accountable governance and a society that has more respect for the inherent dignity of individuals.

5. The Special Representative believes that progress is being made in the incorporation of human rights values into Iranian society. The change in the discourse over the past six years is testimony of progress. In some respects, however, the Government seems to be lagging behind the people, who have made clear, through their elected representatives, their desire for change.

6. In the present report, the Special Representative has done his best to capture the range of important human rights developments in the Islamic Republic of Iran over the first six months of the year. They may be significant in their own right or significant as indicators of a broader trend. This necessarily involves a prioritization of areas and issues, and the Special Representative understands that not everyone is likely to agree with his choices. The overall picture is certainly a mixed one. One must hope that, in the interest of all Iranians, faster progress can be made towards the goal of embracing human rights and all the values that they represent.

7. In seeking to discharge his mandate, the Special Representative has used many sources of information, including the Government of the Islamic Republic, other Governments, individuals, non-governmental organizations and the Iranian and international media.

II. Freedom of expression

8. In his last interim report to the General Assembly, the Special Representative described the early stages of what became a widespread crackdown on the press, instituted by elements in the judiciary in April 2000 (A/55/363, paras. 12-21). The process has continued. During the past 15 months (to early July 2001), more than 40 publications, daily newspapers and weekly magazines have been closed down for various periods of time, some indefinitely. (In the Islamic Republic of Iran, as elsewhere, publications sometimes close for purely financial or editorial reasons.)

9. In addition, editors and journalists have been charged with various offences and fined, sent to jail or banned from journalism for a period of years or, in some cases, a combination of the above. At least one was sentenced to be lashed, a sentence subsequently overturned. The numbers are uncertain, but the best recent estimate available to the Special Representative

is that since April 2000, more than 20 journalists have spent time in jail, in either pre- or post-trial detention.

10. Typical charges are:

(a) Defamation;

(b) Publishing false information;

(c) Publishing criminal material;

(d) Publishing sensational material contrary to modesty;

(e) Collaborating with counter-revolutionary groups.

11. The campaign against the press has spread beyond the usual definition of "journalist". A theology student was brought before the Special Clerical Court for articles deemed to be propagating against the Islamic Republic; a number of university students were detained for articles in their student newspapers deemed to be blasphemous, an offence that could draw the death penalty; and a cartoonist was charged with publishing an offensive caricature of the judiciary. According to press reports, the complaints against the press are being brought chiefly by six state agencies, and this has given rise to the term "serial plaintiffs". The campaign against the press appears to be waged by these agencies with the willing support of a small group of judges.

12. It has been pointed out in the Iranian press that, despite the fact that the existing, rather conservative press law provides for a maximum suspension of six months, many papers have been sentenced to longer periods of closure and some have remained closed even after the expiry of the prescribed closure period. The judges involved have gone outside the press law and invoked sections of the Constitution as well as other legislation, particularly the Precautionary Measures Law, which both refer to the prevention of crime. One journal was closed for insulting the President, who replied that he knew of no law that prescribed a punishment for such an act.

13. In discussing the repression of the Iranian press, it is clear that the vagaries of many Iranian laws, including the Constitution, are being taken full advantage of. The various laws that have relevance to criticism, insult and defamation are perhaps typical in this regard. Procedural issues are also very much part of the problem. There are many examples of arbitrary arrest, prolonged detention prior to trial, often in solitary confinement, and denial of the elements of fair trial. Clearly, reform is needed, both legislative (in order to give greater precision as to the offences involved) and judicial (in order to ensure the implementation of procedures that protect the rights of the accused).

III. Status of women

14. The condition of women in the Islamic Republic has remained much the same for some years: steady improvements in some respects such as education but no change in the foundational, legalized discrimination faced by women almost across the board. Perhaps the most graphic recent portrayal of this situation is the Iranian film, "The Circle", with its strong overtones of the Islamic Republic as a prison for women.

15. At the time the present report was being prepared, a spirited debate was under way as to the number of women who should be included in the new cabinet of the President. In late June, a senior Majilis figure declared that it was not dignified for women to be put on display in government. A female member of the Majilis quickly responded, "Our men should guard against the sickness of immaturity." The 12 women members of the Majilis prepared their own list of three women candidates for the cabinet.

16. The recent presidential election and the action of the Guardian Council in not approving any of the two dozen female candidates has focused attention on the eligibility of women to hold public office.

17. Another side of women's plight is what has become known as the "feminine face of poverty". It was reported that at a meeting to mark 15 May, International Day of the Family, a number of officials described the situation in graphic terms. There are now some 1 million single-mother families in the Islamic Republic. Twenty-nine per cent of the families below the poverty line are single-mother families. Seventy per cent of the single mothers in rural areas are illiterate. In 37 per cent of single-mother families, only one person is employed. The General Director of the Office to Combat Poverty reportedly stated that, while the law requires the minimum wage to be paid to all families headed by women, it is paid at only 50 per cent of the rate because of budget shortfalls.

18. The issue of the physical abuse of women within the family remains in the spotlight. The press reports

that to get around the reluctance of the police to become involved in such cases, "hotlines" are being established for women to seek urgent help. More fundamentally, however, Iranian women continue to press the point that the issue is rooted in the cultural approach of men towards women. A member of the Women's Participation Centre in Tehran was quoted recently as saying that women had become more frequently the victims of beatings, rape, abortions, financial and mental pressures, and verbal abuse from their husbands, brothers and even children. The Special Representative notes that the alleviation of patriarchal attitudes is also a key to opening up more and better job opportunities for women. The Special Representative has been made aware of the many activities and programmes for promoting women's rights, but he nevertheless urges the Government to take a leadership role in tackling the cultural issue. It needs to have a very clear focus and to allocate sufficient human and monetary resources to undertake major educational programmes in the schools, on television and through other public channels. The longer the Government delays taking serious action, the more women will suffer, and probably needlessly so. It is an issue that the Government, in good conscience, must address urgently.

19. Finally, there is the long outstanding benchmark issue of the minimum age of marriage, particularly that for girls, which is nine years. The Special Representative has discussed this issue in earlier reports (A/55/363, para. 31; E/CN.4/2001/39, para. 24). The Special Representative notes the recent action of the Guardian Council of rejecting the Majilis bill that would have addressed this black spot on the reputation of the Islamic Republic. If argument is still needed, the Special Representative would draw attention to the article on early childhood marriage in the UNICEF *Innocenti Digest* No. 7 (March 2001), which declares that pregnancy-related deaths are the leading cause of mortality of girls aged 15-19 worldwide. The Special Representative once again appeals to all branches of the Government to work together to bring new legislation into effect as quickly as possible as a mark of respect for the girl-children of their country.

(In February, a girl's shelter in Karaj, the Jasmine Centre, was closed down after an investigation had reportedly revealed that it had become involved in the trafficking of girls. The press focused on the high-level connections of the operators of the Centre. A judge of the Revolutionary Court was subsequently charged in the affair.)

IV. Legal subjects

A. Reform of the legal process

20. In late March, the Special Representative received from the Government a list of legal reforms that were being implemented. The most pressing perhaps was the long-promised re-establishment of the procuracy which could potentially go a significant way to reduce the absolute discretion that judges have had in the court room, including in most cases being judge and prosecutor and, in some cases, jury and defence counsel as well. That draft legislation was approved by the Majilis judicial affairs commission in late June and was introduced on the floor of the Majilis in early July.

21. A second important reform is the amendment of the punishment provisions concerning dishonoured loans. Many individuals so convicted reportedly remain in jail after having served their conviction, being unable to pay back the underlying debt. This practice has apparently been so widespread that the group has become the second largest category of prison inmates. Such persons will now be released on completion of their term.

22. A third project is the establishment from 1 September 2001 of the right of students holding a BA (Law) to take an examination and, if successful, to be qualified as lawyers and permitted to practice under supervision. The purpose is to increase significantly the number of lawyers in the country. The Independent Bar Association has objected to this initiative "under the guise of an economic bill", and as a severe assault on the independence of the Bar. This development follows on the other encroachments that have occurred on the autonomy of the Bar, including control over who stands for election to the Bar Council, the disciplining of members of the Bar and indeed the "suitability" of all applicants for admission to the Bar (see A/55/363, paras. 44-46). The Special Representative shares the concern of the Bar Council in this regard, noting that the independence of the Bar is a vital ingredient in any human rights enforcement regime.

23. The fourth reform is the introduction of what is known in some other cultures as alternative dispute resolution (ADR) — that is, the provision of

reconciliation/mediation facilities to remove certain types of cases from the court and expedite their settlement. It should also reduce the backlog in court calendars.

24. The fifth project, already mentioned in an earlier report (E/CN.4/2001/39, para. 109), is the establishment, with the cooperation of UNICEF, of a system of juvenile courts. The Special Representative is informed that this project is on track and the judges in training will be going abroad to learn from the experience of other jurisdictions.

25. A sixth project concerns the disciplining of judges — that is, to treat more seriously any infringement by judges of the provisions of the law. The Special Representative has earlier referred to the apparent blatant disregard by at least a few judges of the instructions set out by the Head of Judiciary, particularly in the matter of pre-trial treatment of suspects (E/CN.4/2001/39, para. 31). The Judicial Tribunal, a little known and apparently underutilized institution, may be now facing its first test in this regard. When asked by the Special Representative about the processing of complaints by the families of detainees against Judge Saeed Mortazavi and Judge Hassan Ahmadi Mogaddas, government officials responded that those and other complaints against judges were now before the Tribunal. A government official reported that 40 judges had been suspended in the past four months. The Special Representative trusts that the Tribunal will act expeditiously and that its decisions will be made public. Such action could go a long way towards restoring confidence in the Iranian Judiciary. It is perhaps worth adding that a judicial system needs the support of the people in order to earn their respect and to make legitimate its exercise of power over their lives. In this regard, the Special Representative notes the President's speech on 29 June in which he declared that the main mission of the Judiciary, in accordance with the constitution, was to support individual and social rights of the people and to realize social justice within the community. The main criteria of a system built on that foundation was respect for the human being, ensuring the rights of the human beings and the realization of justice. The President went on to call upon judges to put aside cynicism and prejudgement and to respect the principle of innocence until proven guilty.

26. Other reforms mentioned to the Special Representative were the re-introduction of res judicata, a concept that had been abandoned at the time of the Revolution, as "having lost its value", and the reduction of the cases being referred back by the Supreme Court for a new hearing. In other words, the Supreme Court would more often be the final judicial step. The Special Representative believes that these changes would increase the predictability and fairness of the legal system and reduce the case backlog that currently exists. Another promised reform is legislation to narrow the definition of *moharab* (waging war on God) to those acts involving the use of firearms. This will remove a very dangerous weapon from the judicial arsenal that, while only occasionally invoked, has hung over the heads of all those advocating change. Yet another new measure is the establishment of a non-governmental organization to focus on the rights of prisoners.

27. In conclusion, it is clear from the above that the task of legal reform has begun. It is at least about to begin. The Special Representative looks forward to reporting its successful implementation.

B. Prisons

28. Two of the most pressing issues with regard to prisons in the Islamic Republic are overcrowding and the existence of detention centres outside the control of the National Prisons Organization. With regard to the first, no recent figures on the number of inmates have come to the attention of the Special Representative. In late June the Head of the National Prisons Organization noted that the high number of prisoners was the result of social circumstances outside the prisons, and that the organization was unable to settle all prison problems. He said that the prison population had increased by 40 per cent over the past year and that two thirds of the inmates were there for drug-related offences. Most of the inmates are between 22 and 30, and less that 3 per cent of them are women.

29. In light of the huge growth in the number of persons incarcerated for drug-related offences, one proposal has been to segregate such persons into new purpose-built institutions in the countryside. Other steps discussed have been reducing the number of inmates by reducing the number of offences calling for incarceration and making greater use of probation, particularly for women and children. A further proposal for reducing the prison population is to eliminate the holding of certain inmates beyond the

term of their sentence when they are unable to pay off their civil debts (see para. 21 above).

30. As for the non-official detention centres where much of the prisoner abuse takes place, in early June a member of a Majilis commission looking into prisons told the press that there were as many secret detention centres as there were secret service and military establishments combined with even non-military and non-secret service establishments. He added no military or security establishment had the right to its own prison. The Head of the National Prisons Organization has declared that all non-official detention centres have now been brought under the control of his organization. He also stated that the notorious Toweed Prison has finally been completely closed.

31. It is worth reporting that after the re-election of the President, a proposal was floated in the Majilis to change the status of the Prisons Organization by moving it from under the judiciary to the portfolio of the Minister of Justice, where it would be subject to oversight by the Majilis.

32. It is to be hoped that these various reform measures are pursued vigorously. In particular, the Special Representative would be pleased to record in his next report to the Human Rights Commission that control of all of the illegal detention centres is finally — in practice as well as in form — in the hands of the National Prisons Organization.

C. Punishment

Executions

33. The number of executions continues to be high. Based on the information received by the Special Representative, some 60 executions took place in the first six months of the year. It would seem that around two thirds of them were carried out in public, despite reports from government sources, according to which punishment takes place principally in camera. These include the public hanging of a woman on 19 March 2001 in Tehran, an extremely rare event in the Islamic Republic. In what seems a retrograde step, it was reported that the state television has broadcast scenes of public hangings on two occasions since the beginning of 2001.

34. In the period under review, there have been disturbing reports of resort to especially barbaric and unusual forms of execution, such as beheading and stoning. According to press reports, an Afghan man was publicly decapitated in Zabol in June 2001. This is the first time the Special Representative has received reports of the use of this form of punishment, and he has asked for the comments of the Government. The practice of stoning, which finally appeared to be declining, would seem to have been resumed. Since January 2001, the Special Representative has received information concerning the stoning of two women and the sentencing to death by stoning of at least one other. According to reports in the press, an unnamed woman was stoned to death at Evin prison, Tehran, on 20 May 2001. The woman, aged 35, was arrested eight years ago on charges of acting in pornographic films. In January 2001, the Supreme Court reportedly upheld the death sentence by public stoning of Maryam Ayoubi, 38, convicted for the murder of her husband. Iranian press reported her stoning to death in Evin prison, Tehran, on 11 July 2001. A third woman, named Robabeh, was also reportedly sentenced to death by stoning in June 2001 for the murder of her husband. The Special Representative has raised these reports with the Government. He urges the Government to remove article 82 (b), concerning stoning, from the Islamic Criminal Code and to undertake a policy of actively suppressing recourse to stoning throughout the country.

35. According to information received from the Government, there was an executive decision in 2000 to put an end to the imposition of the death penalty against minors. However, the Special Representative has recently received reports of the execution of one minor and the sentencing to death of another one. As reported in the Iranian press on 29 May 2001, Mehrdad Yusefi, an 18-year-old boy, was hanged in the south-western region of Ilam for a crime which he had committed when he was 16 years old. In June 2001, the press reported the decision of an Iranian court to sentence to death Azizullah Shenwari, a 14-year-old Pakistani convicted on drug charges. He was reportedly kidnapped from Peshawar, Pakistan, in November 1999. The Special Representative has raised these cases with the Government.

36. The Special Representative joins the Committee on the Rights of the Child in expressing his serious concern at the application of the death penalty for

crimes committed by persons under 18 and in emphasizing that such a penalty is incompatible with the Convention to which the Islamic Republic is a party (CRC/C/15/Add.123, para. 29). The Special Representative also notes that the Commission on Human Rights, in resolution 2001/65, called upon States that have not yet abolished the death penalty "to comply with their obligations as assumed under relevant provisions of international human rights instruments, including in particular articles 6 and 14 of the International Covenant on Civil and Political Rights and article 37 of the Convention on the Rights of the Child". The Special Representative urges the Government to comply in full with the above-mentioned Commission resolution.

37. The Iranian Government has repeatedly stated that a large number of the executions are carried out in the course of its fight against drugs. According to press reports, the head of the judiciary has stated that there are 800 drug traffickers on death row. While acknowledging the magnitude of the challenge faced by the Government and described in his last report to the Commission, the Special Representative reiterates his request for more precise information on the protection of human rights within the Islamic Republic's drug interdiction programmes.

38. The Special Representative wishes to reiterate that the statistics mentioned above are drawn from press accounts, with all of the margin of error that that implies. He calls upon the Government once again to make official figures publicly available.

Torture and other cruel, inhuman or degrading treatment or punishment

39. The Special Representative continues to receive reports of torture in the legal system, particularly in pre-trial detention. The Special Representative reiterates his call last year for full compliance with Commission on Human Rights resolution 2000/43 in which, among many provisions, the Commission calls upon all Governments to implement fully the prohibition of torture, to address the need for investigation and documentation as set out in the principles annexed to the resolution, and to address the issue of impunity for those responsible.

40. There continue to be reports of amputations and public floggings. Once more, the Special Representative recommends that the Government of the Islamic Republic commit itself to the abolition of this form of punishment.

V. Status of intellectuals and of political, student and religious dissidents

41. Openly expressed dissent continues to grow, and increasing numbers of dissenters are finding themselves in jail. In June, it was estimated that 50-60 reformist journalists, political and student activists, dissident clerics, and veteran religious nationalists were detained at Evin prison north of Tehran and that the famous institution was once again becoming a focus of political life. One judge attempted the time-honoured manoeuvre of barring the publication of letters or messages from prisoners that had not been vetted by prison authorities.

42. For those who are released on pre-trial bail, the problem is different. The Special Representative is told that the bail is often set so high as to be inaccessible to retirees and others living on modest means.

43. It would appear that in political cases the pre-trial enquiry stage is often the harshest. The public statements of released detainees speak of being confined to small cells, interrogated in blind-folds, subjected to various kinds of psychological and physical pressure to cooperate and, according to one group of recent reports, probably subject to some form of drug treatment to induce passivity and cooperation in front of the interrogators. Several improbable "confessions" were released by the judicial authorities, including those of veteran journalist Ezzatollah Sahabi and student leader Ali Afshari. Once convicted, the conditions of some seem to improve substantially but not for others, such as Akbar Ganji, who as of the middle of June had spent 105 days of his 15 months in jail in solitary confinement.

A. Student unrest

44. Campus political activism continued to grow in the months leading up to the June presidential elections. Some observers described the tone as increasingly one of anger and despondency which led to rallies protesting the treatment of detained students, support for dissident clerics such as Ayatollah

Montezari, and open criticism of the political establishment, including both the Supreme Leader and the president. Groups of hooligans, including, in particular, the Ansar-i-Hezbullah, often confronted such student rallies.

45. In May, Ali Afshari, a leading dissident student leader held in solitary confinement for five months, reportedly confessed to being involved in what was described as activities "to overthrow the system by peaceful means". As of mid June it was reported that up to 20 students were being detained. A number of them were convicted for their participation in the student demonstrations in July 1999. It should be observed that the perpetrators of the raid on the University of Tehran which triggered the student protests have apparently been released, without conviction, after secret hearings because, in the surprising words of the judge, "there were no private plaintiffs involved" (see A/54/365, paras. 16-20 and annex I).

46. In early July student protest rallies on and off the campus of the University of Tehran marked the second anniversary of the 1999 student demonstrations in Tehran and Tabriz. An unconfirmed number of persons was detained in connection with the rally outside the campus.

47. In April 2001, a provincial court in Khorrambad convicted 121 persons, mainly students, but including a deputy governor of the province, of participating in "riots" there in August 2000. The unrest grew out of attacks by hooligans on a national meeting of Iranian students and the blockading of the meeting's invited speakers. As seems to be the pattern in such cases, the hooligans themselves are not charged, let alone convicted (see E/CN.4/2001/39, paras. 20-22).

B. The serial murders

48. These grisly events in late 1998 and early 1999 created significant concern and anger in the Islamic Republic (see, most recently, E/CN.4/2001/39, paras. 82-87). The closed military court trial of the alleged perpetrators, said to be renegade officers of the security agency, convicted 15 persons in January 2001, with three sentenced to death and 12 to imprisonment. There has remained widespread criticism by the families and others that those higher-ups involved in varying degrees in the murders have remained unidentified and uncharged. After the conviction of the 15, the families of the victims declared that they disagreed with the verdicts, including both capital punishment and incarceration, as they did not want "a vendetta". The families had boycotted the trial in protest against its closed nature and the removal of key evidence from the court files. The lawyer of the families was briefly detained in December 2000 for comments implying that the serial killings were part of a campaign by death squads aimed at silencing the opposition.

49. Despite the closed nature of the trial, some observers found the 17-page judgement revealing. According to one, what comes across, on the one hand, is a total disregard for human life and, on the other, a complicity in murder justified by the orders of a superior in a long chain that many say has not been followed to the end. In the words of another, the group came across as "a structured death machine". According to the judge, there was a hit list of 40-45 targets. He also recorded that some of the defendants, including the most senior, attempted to place the blame on their minister, an allegation the judge dismissed for lack of evidence and the minister's declaration of innocence under oath.

50. The Special Representative, for his part, doubts that the full truth in this matter has yet come out. He notes the continuing rumours that there were in fact more than 80 murders and disappearances stretching over a 10-year period that were likely part of a wider campaign to silence dissent. He notes that leading figures in the Majilis have called for a special parliamentary commission on the grounds that the trial did not reveal the real motives behind the killings or whether more senior figures were involved.

C. Religious dissidents

51. Perhaps, the most visible religious figure in jail is Hassan Yousefi-Eshkevari, who, in a trial related to his participation in a meeting in Berlin in the spring of 2000, was convicted of apostasy, "waging war on God" and "corruption on earth". He was reported at first to have been sentenced to death but that was later overturned. On 20 June his son wrote to the Special Clerical Court to ask that a medical team approved by the Court examine his father, who is severely diabetic. The Court reportedly rejected the request. Also in June his son was quoted as saying that he had not heard

from his father for nearly 70 days, since he was moved to Prison 59.

52. According to press reports, religious figures brought before the Special Clerical Court during the period under review include the son-in-law and two associates of Ayotollah Hossein-Ali Montazeri, the most prominent religious dissident who, notwithstanding being under house arrest, managed to make public his memoirs in December 2000. One of Montazeri's sons is reportedly already in prison, in connection with the distribution of what is said to be an embarrassing report on the case of the serial murders (see paras. 48-50 above).

D. Berlin conference trial

53. The origin of this trial was set out in the Special Representative's last report to the Commission (E/CN.4/2001/39, paras. 88-94). The denouement dragged on during the period under review. It would appear that some of those charged have been in detention for months, while others were released on bail. The Special Representative was informed in April by a senior Iranian judge that none of the persons charged was being tried merely for attending the conference but rather on other, pending charges.

54. In a written official communication in April, the Special Representative was informed that 17 of the Iranian participants in the conference had been summoned to court. Eleven were convicted and six acquitted. Seven of the convicted were released on bail while their appeal was being heard. The four others were imprisoned for charges other than participation in the Berlin conference.

55. A list of those convicted and the correspondence exchanged by the Special Representative and the Government of the Islamic Republic on this subject is attached as annex II. One of the most distinguished of the detainees was probably Ezzatollah Sahabi, a journalist, a long-time opponent of the Shah's regime and a former member of the Majilis with links to the Freedom Movement. Sahabi, 75 years old, was for an extended period apparently in solitary confinement in an unknown place. According to press reports, he was charged a second time in December for making insulting comments about the Supreme Leader. In January he was sentenced to 4 ½ years in prison for participating in the Berlin conference. His family fears for his health.

56. The Special Representative has recently been assured by a senior judiciary official that legal action is under way to vacate all the convictions concerning participation in the Berlin conference.

57. The Special Representative shares the opinion that the charges against these persons were transparently political and that the conditions of their pre-trial detention as well as the closed trials themselves were a violation of international standards.

E. Detention of religious/nationalist activists

58. Another politically oriented legal process began this spring, with the detention of the followers of what has been generally described as "a religious/nationalist alliance of intellectuals advocating political pluralism". Some were connected with the Freedom Movement, the unregistered but long-tolerated organization founded by the first post-revolution Prime Minister, and some were Muslim reformers of long-standing, active in the struggle against the Shah.

59. On 11 March 2001, the Revolutionary Court ordered the detention of 21 individuals associated with the group, 11 of whom were later released. One month later, on 7 April 2001, the same court ordered the nationwide arrest of 42 more members. In mid April a court statement declared that "the mission of some of the detainees was to weaken the faith of students and youth in religion and Islamic principles". The court later said that the dissidents "aimed to set up a western-style government and, to achieve this sinister goal, they were considering active resistance and eventually armed resistance".

60. The Special Representative understands that some of the detainees were apparently released on bail, with a remaining majority still being held in "temporary" solitary confinement in Revolutionary Guards barracks. The families of the detainees repeatedly complained to the authorities about ill-treatment from Revolutionary Court employees. Specifically they have asserted that:

(a) Contrary to articles 20, 22, 32 and 37 of the Constitution, as well as article 22 of the Penal Code, no concrete evidence has been presented in support of the

charges brought against them. Furthermore their files have not been put at the disposal of their lawyers;

(b) Temporary detention orders have been issued against them, with total disregard for articles 32, 35 and 37 of the Constitution which clearly limit the cases in which judges can resort to this measure;

(c) Contrary to article 38 of the Constitution, which protects prisoners against torture and the forcing of testimonies or confessions, they have been held in continued incommunicado detention in unknown locations and have been exposed to physiological and physical pressure, including drugs, to extract "confessions";

(d) They have been denied the right to legal counsel, including during and after prolonged interrogations;

(e) Some have been in incommunicado detention in unknown locations;

(f) Some have been subjected to the use of physiological and physical pressure, including drugs to extract "confessions", as well as the disregard of detainee's personal medical regimes;

(g) There have been threats and pressure brought on political prisoners' families to remain silent.

61. One of those freed on bail, an 84-year old former minister of justice, told the press that the guards took away his glasses and blindfolded him when he went to the shower. He declared that there was no evidence that anyone connected with the Freedom Movement had done "anything that might be interpreted as an attempt to overthrow the regime". His family posted their house ownership documents as collateral for his release.

62. In May, a friend of one of the detained dissidents told the press his friend had been told he had been charged with waging war against God, an offence that, as noted above, can attract the death sentence. In early June, a member of the Majilis Commission looking into the prisons objected to the detention of the religious/nationalist group of activists, saying, "the Guards Corps Protection of Information Unit and Dejban 66 (the military police) cannot legally detain civilians".

63. At the time of writing the present report, the Special Representative had been informed by the Iranian authorities that all detainees were about to be released on bail. According to the same sources, the court processes of Mr. Sahabi, Mr. Ahmadzadeh and Mr. Peyman were going to be expedited, to take into account their age.

64. Annex II contains a list of the religious/nationalist activists who remain in prison at the time of writing, according to the information received by the Special Representative.

VI. Democratic governance

65. In a speech in late June, the President declared, "The basic right of people in today's world mainly means the right of people to have control over their own destiny. A popular system is a system that recognizes this right and devises its laws, rules and regulations on this basis. On the whole, when one is talking about the basic rights of the people, one means their rights vis-à-vis the state, which enjoys great authority in society. When we say people have rights, it means that the authority of the state stems from the will of the people and that this authority will be supervised by the people, and that the state, including all its components, is answerable to the people regardless of where the foundation and essence of the legitimacy of this power lies."

66. In the spring of 2001, the judiciary began to challenge the authority of the Majilis, notably their efforts to open an enquiry under article 90 of the Constitution, into complaints received by the Majilis into the conduct of the judiciary, particularly in high profile political cases. Senior members of the judiciary reacted angrily, arguing the independence of their branch of government. The judiciary also began to call to account individual reformist members of the Majilis as well as such figures as the Governor of Kurdistan, the latter on charges of defaming the Guardian Council by criticizing its annulment of the results in 17 constituencies in the 2000 Majilis elections. In June, two members of the Majilis were sent to jail. One was sentenced to 12 months for "making an inciting speech" at a student conference in August 2000 and the other to 13 months for "slandering the judiciary" in a speech in the Majilis. The member's claim to privilege was rejected.

67. At the same time, the Supreme Leader came to the support of the judiciary in its efforts to resist

oversight by the Majilis. The Leader declared, "Support for a person charged by the judiciary is an affront to the law, and is in itself an offence." Meanwhile, the Majilis Enquiry Commission decided to report to the Majilis the judiciary's failure to cooperate in its enquiry into the complaints received from the public. In the Special Representative's view it is one thing to say that the judiciary must be independent but quite another to say that it is beyond reproach. In early July the Special Representative was informed that there had been established a joint Majilis/Judiciary Liaison Committee and that it was working to create a smoother relationship.

68. For some time the pressure has been building for a law on political offences, largely in response to the treatment of intellectuals and political dissidents in the courts. Such a bill would implement a neglected provision of the Constitution. The Majilis proponents of such a bill argued that it would contribute to "the stabilization of the political system", "pave the way for the rule of law, leading political movements towards peaceful activities", "institutionalize political pluralism", and "treat persons with moral and honourable motives" in a manner distinct from other offenders. The bill that came out of the Majilis this spring, in addition to defining the term "political offence", required such charges to be heard by juries in open, civil courts — i.e., not special courts such as the Revolutionary Court and the Special Clerical Court — limited pre trial detention to 15 days, and declared the right of the accused to have a lawyer present during the pre-trial enquiry phase In combating human rights offences in the political sphere, it would be difficult to point to a more important and urgent initiative than this. In late June, the Guardian Council rejected the bill as "unconstitutional and contrary to religion".

69. The role of the Guardian Council in vetting candidates for elected office came in for sustained criticism this year in the context of the presidential election and the related Majilis by-elections. The Constitution gives the Council "the responsibility of supervising the elections". The Council has, in the words of its critics, exercised "approbatory supervision", rather than "advisory supervision" in order to weed out would-be candidates who do not meet its own standards. The Council does not give reasons for rejecting specific candidates but, according to the press, has made it known that the rejections were for drug and alcohol trafficking, connections with the banned Mujahedin Khalg organization or the monarchy, and graft of various kinds. The rejection of prominent reformist figures, such as the one who had been in the Islamic Revolutionary Guards Corps, the Majilis and the Tehran Municipal Council, served to heighten cynicism over the process.

70. The Interior Minister denounced the "unprincipled disqualification" of candidates. His ministry had disqualified only 34 of the candidates running in the by-elections while the Council disqualified about 100, or more than a quarter of the total. The critics, including some religious figures, refer to the writings of those involved in the drafting of the Constitution to argue that there is no evidence that the vetting of candidates for political office was in the minds of the drafters. Others argue that it is up to the Majilis to pass legislation defining the basic qualifications to stand for political office.

71. The re-election of the President in June 2001 turned out to be something of an anti-climax. He received a higher percentage of a lower turnout than in 1997. He immediately reaffirmed his commitment as his first priority "to foster democracy which as a precondition, requires freedom of speech, criticism and even protest within the law".

VII. Status of minorities

A. Religious minorities

72. The Special Representative has discussed the status of religious minorities in earlier reports. At this time he wishes to mention a government initiative to form, by presidential decree, the National Committee for the Promotion of the Rights of Religious Minorities. According to government sources, the Committee is to review the problems that religious minorities face and recommend corrective policies. It is reported that representation of the minorities in the work of the Committee "has been ensured".

73. In the present report, the Special Representative will focus on the Sunnis, Baha'is, Jews and Zoroastrians, leaving the Christian community for the next report. At that time he will also address the problem of Diyah, or "blood money", which, as the law stands, discriminates against both women and non-Muslims.

Sunnis

74. The Government has been reluctant to recognize the Sunnis as a distinct minority, but it is clear that they face various forms of discrimination, particularly where they are also ethnic minorities. For example, for years, Sunni Kurds have complained of non-cooperation from officials in terms of permits for building or renovating their mosques. However, it was recently reported that the harassment of Kurdish Sunni clerics by the Special Clerical Court had ended.

75. In April, the press reported that some 30 Iranian parliamentarians had noted their dissatisfaction with the Ministries of Education and of Foreign Affairs for failing to provide employment opportunities for Sunnis. A request from a Kurdish member of the Majilis to the President to appoint an adviser on Sunni affairs was turned aside. Finally, there is the long-standing request of the Sunnis for permission to build a mosque in Tehran.

Baha'is

76. Concern about the human rights situation of the Baha'is remains on the agenda of the Special Representative. Despite some promising reports, the Special Representative understands that the Baha'i community continues to experience discrimination in the areas of, inter alia, education, employment, travel, housing and the enjoyment of cultural activities. Baha'is are still, in effect, prevented from participating in religious gatherings or educational activities.

77. Baha'i property continues to be subject to confiscation. The Special Representative has received reports of such properties being confiscated in Kata, Buyr-Ahmand, where a number of Baha'i families were reportedly forced to leave their homes and farmlands in the first months of 2001. According to information received, in 2000, four buildings were confiscated in Tehran, three in Shiraz and one in Isfahan. It is also reported that the issuance of business licences to Baha'is has been delayed and that some stores and business owned by Baha'is have been closed.

78. The Special Representative wishes to reiterate his appeal to the Government of the Islamic Republic to implement his outstanding recommendations (A/53/423, para. 45), as well as those of the Special Rapporteur on religious intolerance (E/CN.4/1996/95/Add.2). In particular and, as a step that would go a long way in confirming the Government's commitment to the "rights of citizenship", the Special Representative urges the Government:

(a) To allow Baha'is places to bury and honour their dead.

The Baha'i cemeteries seized shortly after the 1979 revolution have not been returned. In 2000, a piece of land officially used by the Baha'i as a cemetery in the city of Abadeh was reportedly bulldozed;

In his most recent report to the Commission, the Special Representative reported information received from government sources that the Baha'is would be allowed to re-establish their cemetery in Tehran. Since a complex was built over the old cemetery, the Iranian authorities have already allotted some other land for this purpose;

(b) To guarantee Baha'is freedom of movement.

It is reported that, although consular instructions to Iranian missions abroad have eliminated questions regarding religion on application for the issuance of passports and visas, these instructions are not uniformly implemented. It is also reported that Baha'is in Iran still face difficulties getting a passport;

(c) To guarantee Baha'is access to education.

Baha'is continue to be denied access to higher education in legally recognized public institutions. Recently three classrooms used by the Baha'is for their own educational purposes were seized;

(d) To guarantee Baha'is security of person.

Since his last report, the Special Representative has received information which indicates that the death sentence of Mr. Musa Talibi has been revised to life imprisonment and that Mr. Mansur Haddadan, Mr. Manuchechr Ziyai and Mr. Ziaullah Mizapanah have been released. Seven Baha'is remain imprisoned, and at least two of them, Mr. Bihnam Mithaqi and Mr. Kayvan Khalajabadi, are subject to the death sentence (see annex I). The Special Representative is particularly concerned that the latter two individuals remain on death row five years and a half after he visited them in Evin prison.

Jews

79. In December the Jewish member of the Majilis spoke up about economic discrimination against the community in terms of government employment, stating "I particularly wish to point out that the marginalization of our educated youth from government services, the blocking of their way for participating in specialization and supra specialization courses and denying them the chance to have access to higher education is against the higher goals of the Islamic Revolution."

Zoroastrians

80. Zoroastrians have described their community as the "pure" Persians, reflecting the proud heritage they claim. However, they too have complaints. A community leader was recently quoted as saying, "In recent years, no Zoroastrian has been employed by state organizations."

B. Ethnic minorities

Azeris

81. Azeris are the largest of Iran's ethnic minorities as well perhaps as the most successfully integrated (see A/55/363, paras. 68-70). However, open voices of discontent are now being heard more often. According to press reports from Tabriz, a group of Azeri legislators, academics and intellectuals wrote to the President demanding greater language rights in education and broadcasting. They reminded him of campaign words in which their identity, language and culture were sometimes mocked.

Kurds

82. There are a number of interesting developments concerning the Kurdish community (see A/55/363, paras.63-67). To begin with, President Khatami appears to be the first non-Kurdish political figure to be popular among the Kurds. He won their votes in overwhelming numbers in the recent election. His appointment of the first Kurd to hold the position of Governor of Kurdistan reinforced his popularity. The Governor appears to have been able to facilitate what one Kurdish editor describes as "a process of reconciliation". It is said to have lead to a greater sense of security. In the words of one Kurdish social worker, "the hatred that divided families is now over. Now social concerns are paramount." Among other things, Kurdish cultural expression now appears to be encouraged. Kurdish language weeklies and monthlies are on the rise, a programme of government-subsidised Kurdish language classes has begun, and there is the prospect of several hours of daily Kurdish television broadcasting in Sannandaj. The Kurdish community was presumably heartened by the appearance of "Drunken Horses", reportedly the first Kurdish language film. This is of course a good beginning, but it remains to be seen to what extent the Kurdish language will, for example, be allowed in schools.

83. Kurdistan rates as the second poorest province, by almost all indicators. There is talk of stagnation, of job loss and of emigration to other provinces. One Kurdish member of the Majilis has demanded a dialogue with the President regarding the Kurd's cultural, social and economic problems. In December a peaceful demonstration by Kurdish students of the University of Tehran was reportedly broken up by the police, with accompanying arrests and injuries.

84. One of the dividing lines in the Kurdish community is religion. The majority Sunni group has been resentful of the favourable treatment apparently accorded to the minority Shia community, and some of the stronger words by Kurdish members of the Majilis have been in that context.

C. A national minorities policy

85. It is clear that the minority communities feel aggravated in cultural terms and in economic terms. Young members of the communities seem to be resorting more and more to emigration. The estimate carried in an Iranian paper is that some 15,000-20,000 Armenians, of an estimated current population of around 300,000, are emigrating every year. The information brought to the attention of the Special Representative concerning the Zoroastrians and the Jews is equally bleak.

86. In several of his recent reports, the Special Representative has come back to the proposal for a national minorities policy (see A/55/363, paras. 77 and 79 and E/CN.4/2001/39, paras. 80 and 81). The only positive step in this direction that has come to his attention is the establishment of the National Committee for the Promotion of the Rights of Religious Minorities (see para. 72 above). For their

part, as described above, minority spokesmen are becoming increasingly outspoken about the perceived discrimination their people face, particularly in the economic field. The Special Representative urges the Government to give the Committee clear instructions as to the inclusion of minority representatives, a three-year agenda of issues to be addressed, and firm timelines for reporting back to ministers with recommendations.

VIII. Economic, social and cultural rights

A. Economic circumstances

87. Experts both within and outside of the Islamic Republic seem to agree that one of the greatest crises facing the country is the economy. Little has changed in the first four-year term of the President, but the surge in the world price of oil has hidden the depth of the problem by improving some of the key statistics. Underneath, the structural state of the economy, the generally poor level of management, the low level of investment and reinvestment, and a floundering privatization drive have all contributed to the economic and social hardship faced by most of society — that is, primarily those not in a position to benefit from the surge in petro-dollars.

88. The prolonged and widespread drought is also having a staggering impact on the people and the economy.

B. Situation of workers

89. Unrest among Iranian workers has been growing for some time. In the period under review, labour demonstrations seemed to have focused primarily on unpaid wages, sometimes for over 12 months. The press carried stories of unrest in Tehran, Isfahan, Khorramabad and elsewhere. The closing of one textile mill in Tehran reportedly put 1,700 persons out of work.

90. In early July, the President declared job creation to be "a grave and important task". The Government, he added would launch a plan to revive the textile industry. That will not be an easy task. Since the early 1980s, the sector has been in decline, with imported cloth, mostly smuggled, seen everywhere. For many years overemployment in the sector was supported by state subsidies. Now the drive to privatize has revealed how weak the sector really is. A member of the Majilis who is himself a labour leader told the press in early July that about 1,400 companies, chiefly in the textile sector, are in a critical state and that there are now over 80,000 workers who are not being paid. It is reported that the government-sponsored "House of Workers" has over the past two years increased the amount of its budget distributed to unpaid workers from 30 per cent to 60 per cent.

91. Officially, unemployment stands at 16 per cent of the work force and is fast closing on 6 million people. Two thirds of the population are reported to be under the age of 30.

92. The most frequently mentioned causes of unemployment are corporate mismanagement over the years, the failure of the Government to establish an investor-friendly investment regime, and the 1 million-plus refugees and other foreigners in the work force. Regarding this last argument, the Special Representative acknowledges that the efforts made by the Islamic Republic to host the largest refugee population in the world has strained its resources and created social tension. The Special Representative wishes, however, to note that Afghan refugees are conventionally said mainly to fill jobs that Iranians would prefer not to take. Furthermore, the Special Representative cautions against the use of arguments that would inevitably increase intolerance and exacerbate social tension. There are reports of such tension in the Iranian press, such as one concerning the anti-Afghan rally that took place in Isfahan on 27 June 2001.

93. According to an Islamic Republic News Agency report in late May, a senior official of the State Management and Planning Organization expressed a very optimistic view of the employment prospects, predicting 600,000 new jobs would be created in 2001-2002, the results of a variety of governmental measures and market mechanisms. He identified particularly the need "to prevent unlicensed aliens from working" (read "Afghan, Iraqi and other refugees") and the improvement of security of investment by enhancing legal, social, economic and political stability and the introduction of an "appropriate" labour law.

94. The existing Iranian Labour Code is sometimes regarded as a tough law which virtually forbids

dismissals. In fact, according to a 1999 press report, the then chairman of the managing board of the Tehran Islamic Councils Society reported that 400,00 industrial workers were dismissed between 1991 and 1997. Employers had learned to get around the provisions of the Code by such devices as requiring undated registration letters before hiring and hiring under temporary contracts. Further, the Government "makes no serious efforts to enforce [the Code]". He concluded, "Under the present circumstances, workers have no job security."

95. A new labour law is clearly badly needed, one that would balance the need to restructure the economy with the need for reasonable job security. The workers need to be accorded the right to organize and to strike, a demand expressed in the course of a peaceful rally of workers outside the Majilis on May Day. The Special Representative finds it passing strange that the Islamic Republic is not a party to the relevant ILO Convention No. 87, Freedom of Association and the Right to Organize, to which 137 other countries are party. It is to be noted that the same core rights are set out in article 22 of the International Covenant on Civil and Political Rights, to which the Islamic Republic is a party.

C. Poverty

96. Poverty has become an issue that can no longer be ignored. In mid April 2001, after a strenuous debate on the definition of the term, the press reported that, according to the Management and Planning Organization, 40 per cent of Iranians are living in "absolute and relative poverty". The gap between rich and poor is widening.

97. In mid March, the President was reported as declaring, "I know that a considerable proportion of the people are suffering hardship. The food on their table is meagre. They work very hard. They receive little in return. Our weakness, problems and obstacles and the existing pressures, the shortcomings, the shortages, primarily affect that sector of society." The President has expressed recognition that only increased economic activity and in particular economic growth can address this problem.

D. Investment stimulation

98. Much debate swirls around the need for reform and type of reform required to attract foreign and expatiate Iranian investment to the Islamic Republic. The most recent effort by the Majilis to draft a new foreign investment law was rejected by the Guardian Council. However, even if the bill is subsequently accepted, it will not by itself solve the problems plaguing the economy. The President himself has recognized the need to streamline the bureaucratic process involved. Reportedly, private manufacturers are required to pay more than 50 types of taxes. The problems go deeper. A Tehran newspaper recently quoted a member of the Majilis Planning and Budget Committee as saying, "The present predicament of our country is not just reduced to economic problems; it can also be found in the political and social sectors. After all, we cannot fool ourselves. In a country where a minister is beaten up in broad daylight, it is very interesting that we should expect to attract job creating investments."

IX. Other important issues

A. National human rights bodies

99. In December 2000, the Executive Director of the Islamic Human Rights Commission (IHRC), speaking at the University of Shiraz reportedly told students, "If anyone claims that there are no problems with human rights in the country, either he is totally uninformed or else he is chanting slogans."

100. For some years now, the Special Representative has been reporting on the development of IHRC (see, for example, E/CN.4/2001/39, paras. 117-121). Each year, it appears to be making progress in terms of the quantity of communications it receives, the extent of its educational programmes, and the frankness with which it reports on the nature of the human rights problems the Islamic Republic faces from certain government agencies. Its reports could use still further precision with regard to certain statistics it publishes, along with greater definition of the remedies it has helped complainants obtain.

101. The report of the Commission for the period from April to November 2000 continues to cite "incompetent judicial authorities" as the single largest subject of

complaints received by the Commission. With regard to the non-cooperation of certain government agencies, the Executive Director reportedly told the press that, as to the detained religious/nationalist activists, the judiciary was not even acknowledging the Commission's letters and that the families had no recourse but to appeal to outside human rights bodies.

102. In June it was reported in the press that, following a gap of some years, the Majilis Human Rights Commission was being re-established. The Executive Director of IHRC welcomed the development, as "it is obvious that just one independent organization cannot alone solve all of these problems". The Special Representative also welcomes re-establishment of the Majilis Human Rights Commission and looks forward to following its work.

B. Iran in the international human rights system

103. In recent years Iran has appeared before the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child, in the discharge of its reporting commitments under the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. The Special Representative referred to the Committee on the Rights of the Child's findings in his most recent report to the Commission on Human Rights and joined the Committee in encouraging the Government to review its broad and imprecise general reservation to the Convention, with the objective of withdrawing it in accordance with the Vienna Declaration and Programme of Action (E/CN.4/2001/39, paras. 108-116).

104. In the period under review, the ILO Committee of Experts, responsible for the examination of the compliance by ILO member States with ILO conventions and recommendations, issued an "individual observation" concerning the Islamic Republic's implementation of Convention No. 111 on Employment Discrimination. There is a long-running dialogue between the ILO and the Iranian Government on equality rights in employment, especially with regard to women, and to recognized as well as unrecognized religious minorities, in particular the Baha'is. Another ILO expert mission is scheduled to visit the Islamic Republic in the fall of 2001.

105. The Special Representative wishes to note with concern that the Iranian authorities did not issue visas for the accredited representatives of the Baha'i International Community to attend the regional meeting for the World Conference against Racism, held in Tehran in February 2001. Such conduct is quite incompatible with the responsibilities of a State hosting a United Nations meeting.

X. Conclusions and recommendations

Freedom of expression

106. The Special Representative's conclusion is that the suppression of much of the press, a major actor in the struggle for better and more caring governance, has had a serious negative impact on the promotion of human rights in the Islamic Republic.

107. The Special Representative's recommendations are that the present arbitrary and punitive measures be abolished in favour of a predictable, jury-driven process with powers limited to recommending suspension for a maximum of six months.

Status of women

108. The Special Representative's conclusion is that despite the evident desire of the Iranian people to improve the legal status of women, the stalemate between the branches of government on the very limited measures that have so far been proposed must leave the Islamic Republic, as a country, in an extremely embarrassing position.

109. The Special Representative's recommendations are that the various branches of government work out a phased road map for the implementation of the legislative and regulatory changes necessary to give women genuine substantive equality and that the Government embark on a strategically designed public education campaign to reduce society's tolerance of domestic violence against women.

Legal subjects

110. With regard to the reform of the legal process, the Government has identified a significant number of reforms that would, among other things, certainly make the Constitution a more meaningful document. The Special Representative recommends the speedy and complete implementation of most of them.

111. With regard to the condition of the prisons, the Special Representative notes the continuing overcrowding and the de facto control that a variety of security agencies appear to have over certain prisons. The Special Representative recommends that the several proposals for alleviating overcrowding in prisons be pursued urgently. He also recommends that the daily operations as well as formal control of all prisons in the Islamic Republic be placed under the National Prisons Organization.

112. With regard to punishments, the Special Representative finds that the situation remains bleak. The Islamic Republic is in violation of a number in international standards in terms of the punishments it imposes, some of which can only be characterized as savage. The Special Representative recommends that the Government, at the highest level, decide that reform is necessary and important and that a plan to that end be developed in the course of the current year.

Status of intellectuals and of political, student and religious dissidents

113. There is a new wave of political prisoners or prisoners of conscience entering Iranian prisons. Openly expressed calls for the reform of the governance system or criticism of, for example, the judiciary can result in charges of acting against national security, even "waging war against God", an offence that can attract the death penalty.

114. The Special Representative considers that the Majilis judged correctly that the first step in addressing the manipulation of the legal system was legislation defining a political offence. The Special Representative deeply regrets the rejection of the bill by the Guardian Council and calls on all branches of government to work for the enactment of such legislation as soon as possible. The Special Representative believes that a second important step is the imposition of stringent discipline upon the judges hearing political cases starting with the full implementation — in the spirit as well as the letter — of the circular letter of the Head of the Judiciary on judicial behaviour.

Democratic governance

115. The stalemate reached between the branches of government over important policy and legislative decisions has led to a significant degree of paralysis in the implementing of critically needed human rights improvements in the country. The Special Representative believes the people of the Islamic Republic deserve better.

116. The Special Representative believes that the situation must be resolved in accordance with the President's recent declaration that the basic right of people in today's world means the right of people to have control over their destiny. This points clearly to the need for the elected agencies of government to have precedence in the case of disagreement.

Status of minorities

117. The Special Representative finds that, notwithstanding the equality provisions of the Constitution, religious and ethnic minorities continue to face varying degrees of official and societal discrimination. In some cases, such as those of the Baha'is, the evangelical Christians and, from time to time, some of the ethnic Sunni communities, the treatment amounts to persecution. For their part, the representatives of some of the minorities are becoming more outspoken, particularly concerning cultural and economic rights.

118. The Special Representative recommends that the Government seriously consider the promulgation of a national minorities policy. In the meantime, there are many small steps that can be taken, including a speeded up implementation of the rights of citizenship concept, to be applied to both ethnic and religious minorities. There needs to be a proactive development policy to include, in particular, those depressed areas of the country in which minority groups are an important component of the population. Government departments need to introduce affirmative action employment policies. There needs to be more enlightened provincial leadership, such as is apparently the case in Kurdistan.

Economic, social and cultural rights

119. The Special Representative finds that the Islamic Republic is facing an economic and social crisis that is causing great hardship for most Iranians. Inflation, unemployment, poverty are some of the problems; growing emigration is one of the symptoms.

120. The Special Representative recommends that a comprehensive economic restructuring plan be developed and that it include privatization as well as the stimulation of foreign and expatriate investment. The deteriorating condition of workers must be

addressed with more than words. They should have the right to organize and to strike, as provided in international human rights standards.

121. Finally, the Special Representative has to record once again that he has not been invited to visit the Islamic Republic since February 1996.

Annex I

Information on the situation of the Baha'is

The following is based on information received by the Special Representative.

1. Mansur Haddadan (arrested on 29 February 1996 and sentenced to three years in prison), Manuchechr Ziyai (arrested on 1 May 1998) and Ziaullah Mizapanah (convicted on 16 March 1999), have now reportedly been released.

2. The death sentence of Musa Talibi, arrested on 7 June 1994 and charged with apostasy, has now been revised to life imprisonment. He has reportedly been transferred to a prison in Isfahan.

3. Other Baha'is remaining in Iranian prisons include Bihnam Mithaqui and Kayvan Khalajabadi (arrested on 29 April 1989 and sentenced to death); Dhabihu'llah Mahrami (arrested on 6 September 1995, charged with apostasy and sentenced to life imprisonment, following commutation of a death sentence by the President); Sirus Dhabihi-Muquaddam, Hidayat Kashifi Najafabadih and Ata'u'llah Hamid Nasirizadih (arrested in November 1997, sentenced to seven, five and four years' imprisonment, respectively, following commutation of death sentences in the case of the first two).

Annex II

Supporters of the religious/nationalist movement believed to be in detention, as of 15 July 2001

The list below is based on information received by the Special Representative and may not be exhaustive.

Arrested 11 March 2001 in Tehran

1. **Mohammad Mohammadi Ardahali**, businessman
2. **Mohammad Basteh-negar**, writer-researcher
3. **Mahmoud Emrani**, writer-editor
4. **Nezamoddin Ghahari**
5. **Mehdi Ghani**
6. **Morteza Kazemian**, journalist
7. **Saeed Madani**, editor, political scientist
8. **Mohammad Maleki**, former chancellor of Tehran University
9. **Ali Mohammadi Gorgani**
10. **Mohammad Mohammadi-Gorgani**
11. **Massoud Pedram**, writer-researcher
12. **Habibollah Peyman**, doctor, writer-researcher
13. **Hossein Rafiee**, chemist, Tehran University
14. **Taqi Rahmani**, journalist
15. **Reza Reiss-Tousi**, political scientist, Tehran University
16. **Alireza Rajai**, post-graduate student, Tehran University
17. **Bahman Rezakhani**
18. **Hamid Zeydabadi**

Arrested 7 April 2001

1. **Seyed-Jafar Abbaszadegan** (Tehran)
2. **Ahmad Aghai** (Tehran)
3. **Taher Ahmadzadeh**, 80 years (Machhad)
4. **Hamed Alavian** (Tehran)
5. **Ali-Akbar Badizadeghan** (Tehran)
6. **Mohammad-Hossein Baniassadi** (Tehran)
7. **Abolfazl Bazergan** (Tehran)
8. **Seyed Mohammad Erteza** (Machhad)

9. **Morteza Eshfagh** (Ispahan)
10. **Ghaffar Farzadi** (Tehran)
11. **Bagher Fathali-Beyghi** (Tehran)
12. **Seyed-Ali-Asghar Gharavi** (Tehran)
13. **Hadizadeh** (Tehran)
14. **Abolfazl Hakimi** (Tehran)
15. **Majid Hakimi** (Tehran)
16. **Nasser-Seyed-Hadi Hashemi-Rad** (Tehran)
17. **Mohammad-Mehdi Jafari** (Chiraz)
18. **Jafar Keyvan-Chehr** (Tabriz)
19. **Jamshid Mansurian** (Machhad)
20. **Khosro Mansurian** (Tehran)
21. **Reza Masmui** (Tehran)
22. **Mostafa Meskin** (Ispahan)
23. **Mirzadeh** (Tehran)
24. **Mahmoodm Naimpoor** (Tehran)
25. **Hosein Razmjoo** (Machhad)
26. **Hashem Sabaghiyan** (Tehran)
27. **Fazlollah Salavati** (Ispahan)
28. **Ali-Akbar Sarjami** (Tehran)
29. **Mirsaleh Seyed-Gorgani** (Tehran)
30. **Raoof Taheri** (Tehran)
31. **Ali-Farid Yahyai** (Tabriz)
32. **Jamal Zerehsaz** (Chiraz)

Other intellectuals affiliated to the religious/nationalist movement, arrested earlier

Hassan Yousefi-Eshkevari (see also annex III)

Ezzatollah Sahabi (see also annex III)

Hoda Saber and **Reza Alijani**, editors of Iran-e Farda, arrested on 29 January 29 2001 and 25 February 2001, respectively. Mr. Saber has been reportedly transferred twice to outside hospitals because of cardiac problems, and his family is very concerned for his health.

Annex III

Correspondence between the Special Representative and the Government of the Islamic Republic of Iran, December 2000-June 2001

1. By letter dated 8 January 2001, the Permanent Representative transmitted the following information received from the concerned authorities in the Islamic Republic of Iran, in response to the Special Representative's urgent appeal on behalf of Mahmood Salehi, dated 23 November 2000 (see E/CN.4/2001/39, annex II, para. 16):

> Mr. Mahmood Salehi was prosecuted and convicted to 10-months imprisonment on charges of involvement in a terrorists group called Komoleh. According to the prison doctors, Mr. Salehi's health situation is unaffected and gives no cause for concern. The hearing of his case was carried out in two phases, and the verdict, after due review by the appeal court, went into effect as of 28 August 2000.
>
> By law, Mr. Salehi was entitled to appoint a lawyer of his choice and enjoyed all the rights made available to prisoners. He had access to medical check ups, the results of which show that he was not suffering from any kind of disease. It should be noted here, however, that there exists the possibility of his early release.

2. On 11 January 2001, the Special Representative drew the urgent attention of the Iranian authorities to the health of the writer, editor and human rights lawyer Mehrangiz Kar, who, according to the information received, had been diagnosed with breast cancer and was denied permission to seek medical attention outside the Islamic Republic. The Special Representative urged the Government to give her access, on humanitarian grounds, to all necessary medical treatment as a matter of urgency, including permission to seek medical attention outside the Islamic Republic. (Ms. Kar was allowed to leave the country to receive medical treatment.)

3. Ms. Kar was reportedly on trial in connection with her participation in a conference held in Berlin organized by the Heinrich Boell Institute on 7 and 8 April 2000. In this context, the Special Representative also joined the Special Rapporteur on the promotion of the right to freedom of opinion and expression in addressing an urgent letter to the Minister for Foreign Affairs concerning the verdicts issued by a revolutionary court in Tehran on 13 January 2001 regarding the Iranian citizens, including Ms. Kar, who participated in that conference. In the letter dated 24 January 2001, the signatories expressed their concern over the charges, which did not appear to justify the conviction of the defendants, and urged the Government to use all resources at its disposal to make sure the charges were reviewed and dropped upon appeal. The letter made specific reference to the following individuals:

(a) Mehrangiz Kar and Shahla Lahiji, publisher, sentenced to four years' imprisonment;

(b) Khalil Rostam-Khani, translator, sentenced to nine years;

(c) Ali Afshari, student leader, and Ezatollah Sahabi, politician, sentenced to five and four and one half years, respectively;

(d) Khalil Rostam-Khani, translator, sentenced to nine years;

(e) Akbar Ganji, journalist, and Saeed Sadr, translator for the German embassy in Tehran, sentenced to 10 years. Mr. Ganji was also reportedly sentenced to an exile for an additional five years in a remote southern part of the Islamic Republic;

(f) Hassan Yousefi-Eshkevari, allegedly sentenced to death by the Special Clerical Court.

4. The Permanent Representative forwarded to the Special Representative the following information regarding those convicted for their participation in the Berlin conference.

By letter dated 5 April 2001

> Regarding the charges of those persons who had participated in the Berlin conference, I would like to clarify the following points:
>
> (a) There were many Iranians who took place in the Berlin conference, but only 17 of them were summoned to the court;

(b) Out of those 17, only 11 were convicted, the other six were acquitted;

(c) Out of those 11 convicted in the primary court, seven were released on bail, waiting for the court of appeal;

(d) The four others were imprisoned on charges other that their participation in the Berlin conference.

In conclusion, I would like to emphasize that nobody is in jail for participation in the Berlin conference.

On Akbar Ganji

According to a letter from the head of Branch 3 of the Revolutionary Court in Tehran and to an announcement by the National Prisons Organization, dated 4 December 2000, the allegations of torture and ill-treatment undergone by Mr. Akbar Ganji are entirely false. On the basis of a medical check-up made by a team from the Forensic Medicine Department, the aforementioned was found to be in perfect health, with his speech, intellectual processes and powers of expression absolutely unimpaired.

Letter dated 31 January 2001 (see E/CN.4/2001/39, annex II, para. 15)

Tehran's Appeals Court reduced the sentence issued by a lower court against Mr. Akbar Ganji from a 10-year jail term to six months. The Appeals Court has also dropped the sentence of five years' internal exile .... The final proceedings are now pending in the Supreme Court.

Letter dated 23 May 2001

On Hassan Yousefi-Eshkevari

I would like to inform you that there has been no confirmation of his conviction on charges of apostasy and that legal proceedings are now pending in the relevant appeal court.

Letter dated 17 April 2001, addressed to the Special Rapporteur on Extrajudicial, Summary of Arbitrary Executions and copied to the Special Representative

Tehran's Appeals Court revoked a death sentence given to Mr. Hassan Yousefi-Eshkevari by the Special Clerical Court.

Letter dated 23 May 2001 (see E/CN.4/2001/39, annex II, paras. 1 and 2)

5. On 11 January 2001, the Special Representative joined the Special Rapporteur on the independence of judges and lawyers and the Special Representative of the Secretary-General on Human Rights Defenders in sending an urgent letter to the Minister for Foreign Affairs concerning the arrest of Nasser Zarafchan, a human rights defender and lawyer. Mr. Zarafchan, the lawyer for the families of the intellectuals murdered in 1998, was allegedly arrested on 16 December 2000 owing to his comments implying that the killings were part of a campaign by death squads aimed at silencing the opposition. Reference was made to the fact that he was the second lawyer for the families of intellectuals against whom legal action had been taken. It was alleged that these actions were aimed at impeding the lawyer's free exercise of their responsibilities and to disadvantage their clients. In the letter, the signatories referred to the fundamental principles set forth in the Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms and to the United Nations Basic Principles on the Role of Lawyers.

6. The Special Representative joined the Special Rapporteurs on the question of torture, on extrajudicial, summary or arbitrary executions and on violence against women in sending an urgent appeal on 23 January 2001 on behalf of Maryam Ayoubi, reportedly sentenced to death by stoning. In the letter the signatories expressed their concern with the fact that those sentences were still being issued in the Islamic Republic of Iran and strongly urged the Government to overturn the sentence. Following reports that the Supreme Court had upheld the death sentence by public stoning, the same signatories sent a new urgent appeal on her behalf on 18 April 2001.

7. Also on the subject of stoning, on 30 May 2001 the Special Representative sent to the Minister of Foreign Affairs an information request concerning the reports in the press of the stoning to death of an unnamed woman at Evin prison, Tehran, on 20 May 2001. The woman, aged 35, was reportedly arrested eight years ago on charges of acting in "obscene

films". In this context, the Special Representative referred to his previous representations on behalf of Maryam Ayoubi, expressed his concern with those reports, which implied that stoning had been resumed in the Islamic Republic and asked for clarification.

8. In a letter dated 31 January 2001, the Permanent Representative submitted to the Special Representative information received from the relevant authorities in Tehran as a response to his urgent appeal on behalf of Latif Safari, dated 26 March 2000 (see A/55/363, annex III, para. 4).

> According to the announcement made by the Justice General Administration of Tehran Province, the latest situation regarding Mr. Latif Safari is as follows:
>
> Following two rounds of hearing in the presence of the accused, his defence counsel and jury, the aforementioned person was sentenced to two years and three months and a day of imprisonment, plus five years of deprivation of journalistic activity and the nullification of his affiliated newspaper licence, on charges of insulting sanctities and breaching interior security. The duration of his imprisonment was reduced to one year and three months and a day during the course of revision.

9. By letter dated 18 April 2001, the Special Representative drew the attention of the Iranian authorities to several cases of alleged lack of respect for the dignity of those facing pre-trial detention and lack of a fair trial during that process. The letter specifically referred to the following cases:

(a) Ali Afshari's attorney's declarations in December 2000, according to which the court had turned down his requests to meet with his client, to commute the order of detention to release on bail, and to hear the case in open court (see para. 3 above);

(b) Marzieh Mortari's declaration according to which the 21 persons arrested by the Tehran Revolutionary Court in early December 2000 were blindfolded and taken to an unknown place;

(c) Farshad Ebrahimi's letter to the Justice Department in January 2001, indicating that he had been kept in solitary confinement for 126 days, his trial had been held behind closed doors, visits of his lawyer were banned and interrogations had continued after the end of the court proceedings;

(d) Declarations of the families of the supporters of the Iran Freedom Movement arrested on 11 March 2001, including Dr. Habibollah Peyman, according to which they were kept in solitary confinement in an undisclosed detention centre, without access to lawyers or family, and the judge had refused to provide information about their whereabouts;

(e) Reports that Ibrahim Sheikh, summoned to the Revolutionary Court in March 2001 as a witness in the case of Ali Afshari, had been arrested when he appeared before the court and taken to an unknown place.

10. In the letter, the Special Representative referred to the circular letter sent by the head of the judiciary to all judges, warning them against some of these practices; in view of the above, it seemed to have had little impact. The Special Representative expressed his concern with these reports and asked the Iranian Government for comments.

11. The report of the Special Representative to the Commission on Human Rights in 2001 (E/CN.4/2001/39, para. 75) referred to the report from government sources that the Baha'is would be allowed to re-establish their cemetery in Tehran. Following information received on the lack of implementation of this decision, the Special Representative requested clarification by letter dated 18 April 2001 to the Iranian authorities.

12. In a letter dated 30 May 2001, the Special Representative joined the Special Rapporteur on the question of torture in sending an urgent appeal to the Iranian Government concerning the situation of the 20 supporters of the Iran Freedom and Millli Mazhabiu (religious/nationalist) Movement, arrested on 11 March and allegedly being held in solitary confinement, without access to a lawyer. It was also reported that they had been threatened in order to force them to write repentance letters and that their families reported that they sounded as if they had been drugged. Special reference was made to Dr. Reza Reiss-Toussi who was believed to be in bad health and had marks of torture on his legs. The signatories requested the Government to provide information about the situation of the above-mentioned persons, including their trial or release, as well as the assurance of their humane treatment while in detention.

13. In the same letter, reference was also made to the case of Ali Afshari, a detained student leader whose "confession" was reportedly broadcast on 16 May 2001 before he had been charged or brought to trial. Mr. Afshari was reportedly being held incommunicado, without access to his lawyer. Reference was made to previous urgent appeals sent by different special mechanisms of the Commission on Human Rights on his behalf (see A/55/363, annex III, para. 5 and paras. 3 and 9 above).

14. The Permanent Representative forwarded to the Special Representative the following information:

(a) By letter dated 7 February 2001, comments on the Special Representative's report to the General Assembly regarding education and the judiciary;

(b) By letter dated 11 May 2001, information on developments in the Islamic Republic of Iran, particularly regarding the situation of the press, including the number of licences for periodicals issued; the declaration of the head of the judiciary concerning the prisons organization; an International Conference on Human Rights and Dialogue among Civilisations held in Tehran in May 2001; and the Supreme Leader's mandate against corruption;

(c) By letter dated 23 May 2001, information about the number of licences issued by the Press Supervisory Board;

(d) By letter dated 29 March 2001, information about the serial murders;

(e) By letter dated 4 June 2001, information concerning the approval by the Majilis of the outlines of a new bill on political crimes.

15. Where appropriate, this information has been used by the Special Representative in the preparation of the present report.